

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Cindy L. Johnson
Richard E. Johnson

Debtor(s)

CHAPTER 13

Specialized Loan Servicing LLC, as servicer for The Bank of New York Mellon FKA The Bank of New York, as Trustee for the certificateholders of the CWABS, Inc., ASSET-BACKED CERTIFICATES, SERIES 2006-13

NO. 17-10228 AMC

Movant

vs.

Cindy L. Johnson
Richard E. Johnson

11 U.S.C. Section 362

Debtor(s)

William C. Miller

Trustee

MOTION OF SPECIALIZED LOAN SERVICING LLC, AS SERVICER FOR THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-13
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362

1. Movant is Specialized Loan Servicing LLC, as servicer for The Bank of New York Mellon FKA The Bank of New York, as Trustee for the certificateholders of the CWABS, Inc., ASSET-BACKED CERTIFICATES, SERIES 2006-13.

2. Debtor(s) is/are the owner(s) of the premises 49 Stream Ln, Levittown, PA 19055, hereinafter referred to as the mortgaged premises.

3. Movant is the holder of a mortgage in the original principal amount of \$204,000.00 on the mortgaged premises that was executed on July 15, 2006. Said mortgage was recorded on July 31, 2006 at Book 5045, Page 1385. The Mortgage was subsequently assigned to Movant by way of Assignment of Mortgage recorded on September 14, 2011, at Book 6809, Page 702 in Bucks County.

4. William C. Miller is the Trustee appointed by the Court.

5. The commencement or continuation of mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments was stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s) on January 12, 2017.

6. Debtor(s) has/have filed a Chapter 13 Plan which provides for the cure of the pre-petition mortgage arrears owed to Movant, and maintenance of ongoing contractual post-petition mortgage payments.

7. Debtor(s) has/have failed to make post-petition monthly mortgage payments due in the amount of \$1,481.49 per month for each of the months of February 2017 through August 2017.

8. Debtor(s) applied for and were denied voluntary loss mitigation/mortgage modification with the Movant on August 8, 2017 due to failure to make all of the required Trial Period Plan payments.

9. The total amount necessary to cure the post-petition delinquency on the mortgage loan and to reinstate the loan post-petition is **\$10,370.43**.

10. Movant is entitled to relief from stay for cause.

11. Specialized Loan Servicing LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, the case is dismissed, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

WHEREFORE, Movant prays that an Order be entered modifying the Stay to permit Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgaged premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, including reasonable attorney's fees in accordance with the loan and mortgage terms, and current law, together with interest.

/s/ Matteo S. Weiner, Esquire

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